Sectt. H-27—45.606—10-10-40.

Home (1940) Department.

Ms. SERIES. (11)

G.O. No. 5018

Dated 12-12-1940

[Despatch Abstract.]

Escheat - South Kanara district Puttur taluk Properties of the late Rudrayya - Proposals of the Board of Revenue for disposal - Approved

C.F. 31—12,006—28-11-39

R e v e n u e - DEPARTMENT.

CURRENT No. 39222 25-11-40

Received 21 NOV 1940 19 *Registered* 22 NOV. 1940 19

Subject.

Escheat - (South Kanara) - Puttur Taluk - Kokkada etc. villages - Properties of late Rudrayya - Final disposal -.

Ref erence-NoG-1810/40.2,

Station M a d r a s, *Dated the* 18th November 19 40

From R.A.Gopalswami, Esquire, I.C.S.,

Joint Secretary,

Board of Revenue.

F.W.Stewart, Esquire, C.I.E., M.C., I.C.S., Commissioner of Land Revenue.

Read the following papers:-

I G.O.No.Misc.,959 Revenue dated the 30th May 1922.

II G.O.No.900 Revenue dated the 12th May 1927.

III Letter from Sri Rao Bahadur V.Ponnuswami Pillai, Collector of South Kanara, Ref.No.A-3-3031/40 dated the 3rd May 40.

In G.O.No.Misc.,959 Revenue dated the 30th May 1922 communicated with B.P.Misc., No.928, dated the 5th June 1922, the property shown in the enclosed list left by Rudrayya in Kokkada, Kaukradi and Nellyadi villages of Puttur Taluk, was declared escheat. The entire property with the exception of S.No.120/5 and 7 of Kokkada village was taken possession of by the Deputy Tahsildar, Beltangadi Sub Taluk in May 1927 - while the excepted sub-divisions came into the possession of Government on 15th August 1928. As it is now more than 12 years since the entire property with the exception of S.Nos. 120/5 and 7 of Kokkada village came into the possession of

Government

of Government it is now ripe for disposal under the provision of B.S.O.No.197-7. I, therefore, request that the Board may be pleased to sanction the disposal of the property by sale by public auction. Sanction may also be accorded for the disposal of the excepted sub-divisions S.Nos.120/5 and 7 of Kokkada village, likewise after 15th August 1940.

List showing the particulars of the properties relating to escheated estates of Kokkada, Kaukradi and Nellyadi villages of Puttur Taluk.

Number and name of the village.	Description of the lands. S and Sub Division Number.	Whether wet, garden or dry.	Extent.	Assessment.	Remarks.
1	2	3	4	5	6
84 Nellyadi.	29-1	wet	1.46	6 3 0	
	28-9	"	0.96	2 3 0	
	7-2	"	0.32	1 6 0	
	5	Dry	1.24	0 10 0	
	8-3	Wet	2.66	7 8 0	
	14-2.A	Dry	0.31	0 2 0	
27 Kokkada.	143-1	Wet	4.68	13 3 0	
	2	Garden.	0.68	3 13 0	
	3	Wet	1.65	3 8 0	
	167-15 (Original 219)	Dry	0.51	0 3 0	
	111-1	Wet	1.40	5 15 0	
	124-5	"	1.19	3 6 0	
	111-3A2	"	1.06	4 8 0	
	112-1.A	"	0.93	2 10 0	
	115-3	"	2.68	2 6 0	
	27-3	"	0.50	2 2 0	
	27-8	"	0.49	2 1 0	
	12	"	1.00	0 14 0	
	13	Dry	0.56	0 5 0	
	14	Wet	0.26	0 5 0	
	15	Garden.	0.22	1 4 0	
	26-4	Wet	0.38	1 10 0	
	25-5	Wet	0.76	3 4 0	
	18-4	"	0.26	0 7 0	
	26-8	"	0.18	0 3 0	
	269-1	Dry	0.25	0 2 0	
	181-2	Garden.	0.08	0 4 0	
	130-5	Wet	0.96	4 1 0	
	32-1	Dry	5.12	1 15 0	
	52-6.A	Wet	0.76	2 2 0	
	4	"	0.74	2 1 0	
	43-5	"	1.18	5 0 0	
	33-7	"	0.38	1 10 0	
	140-1	"	0.96	2 11 0	
	33-1	Dry	3.38	2 9 0	
	2	Wet	0.33	0 6 0	
	3	"	2.92	12 7 0	

	32-5	Garden	0,76	2	9	0	
	18-1	Wet	0.72	3	1	0	
	3	Wet	2.50	4	4	0	
	5	"	0.83	1	6	0	
	7	"	0.78	1	5	0	
	8	"	0.73	3	2	0	
	149-6	"	1.81	7	11	0	
	7	Garden.	1.89	10	10	0	
	167-8	"	0.43	1	0	0	
	(Original 228/2)						
27 Kokkada.	29-7B	Wet	0.44	1	14	0	
	11B	"	1.10	4	11	0	
	120-5	"	3-02	2	10	0	
	7	"	3.23	2	13	0	
	33-5	"	2.39	10	3	0	
	134-6	"	2.06	8	12	0	
	26-9	"	1.61	6	14	0	
	208	Garden.	1.17	2	10	0	
88 Kaukradi.	50-15	Wet	1.29	3	10	0	
	43.2	"	1.18	3	5	0	
	8	"	1.36	3	13	0	
	41-5	Garden.	1.10	3	11	0	
(old S.No. 135).	123-5	"	0.20	0	11	0	
	61-3	Wet	1.60	1	6	0	

Muli right in the following mulgani properties.

88 Kaukradi.	28-1	Wet	1.73	4	14	0	Mulgani rent is Rs.8-2-0
	2	"	0.27	0	5	0	
	3	Garden.	0.17	1	5	0	
	4	Wet	0.50	0	7	0	
	61-7	"	0.69	0	10	0	
27 Kokkada.	15-1	Wet	4.27	18	2	0	Mulgeni rent is Rs.29-8-0
	2	Garden.	0.10	0	5	0	
	17-7.B	"	1.26	2	13	0	

IV

Board's Reference No.G.1810/40-1 dated the 30th May 1940.

Escheat - (South Kanara) - Puttur Taluk - Kokkada etc., villages - Properties of late Rudrayya - Final dis-posal - Further report called for -

Refce.- B.P.Misc., No.44 dated the 6th January 1927.

Letter from the Collector of South Kanara, Refce.No.A-3-3031/40 dated the 3rd May 1940.

REFERENCE.

The Collector is requested to ascertain and report the present approximate value of the lands in question and to submit a clear report on the following points:-

(i) the list of properties attached to the Collector's letter cited above does not tally with the list appended to his letter Refce.No.A-3-4677/21 dated the 9th December 1926,. It does not also show all the lands specified in

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in the schedules B, C and D of the same letter. It is not known in respect of which lands as a result of the final compromise in pursuance of the orders ending with B.P.No.44 Misc., dated the 6th January 1927 the defendants' claim was conceded and in respect of which lands the rights of the Government were finally asserted. It should be specifically reported whether the list now submitted by the Collector includes all the lands in respect of which the State's claim was asserted and established in 1927.

(ii) From a perusal of the Collector's letter Refce.on V-3-4677/21 dated the 16th November 1923 and the plaint attached thereto it is observed that possession was given of S.Nos.61/3 and 135 of Kankaradi village in 1923 and that no suit was filed in respect of them. From the Collector's present letter it is seen that they were taken possession of only in May 1927. The discrepancy requires explanation. If they were actually taken possession of in 1923 it should be stated why proposals for their final disposal were not submitted earlier.

(iii) The notation and / or extents of the fields specified below do not tally with the extents etc., as reported in 1926. The difference should be accounted for:-

	S.No.extent etc., as noted in 1926.		S.No.extent etc., as noted in the present list.	
Kokkada village.	111/3-A	1.34	111/3-A.2	1.06
	181	0.08	181/2	0.08
	52/6	0.80	52/6-A	0.76
	29/7	0.41	29/7.B	0.44
	29/11	1.50	29/11.B	1.10
Kankaradi village.	61/7	1.03	61/7	0.69

(Sd)K.P.Krishnan Nayar,
Asst. Secretary.

To the Collector of South Kanara.

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V

Letter from M.V.Subrahmanyan, Esq., M.A., I.C.S., Collector of South Kanara, Ref.No.A-3-3031/40 dated the 3rd October 1940.

Refce.- Board's Refce.No.G.1810/40.1 dated the 30th May 1940.

The

The present value of the property is reported to be approximately Rs.9,250/-.

Paragrapn (1) of the Board's Reference.- T h e list of the properties attached to this Office letter No. A-3-3031/40 dated the 3rd May 1940 cannot agree with the list appended to this Office letter Ref.No.A-3-4677/21 - dated the 9th December 1926. The suit files on behalf of Government for possession of the properties was disposed of by the Subordinate Judge of South Kanara on 23rd December 1936. In that suit, the Sub Judge allowed the Government's claim (1) to all the properties shown in Schedule A (ii) to only S.No.115/3 out of the properties shown in Schedule C (iii) and to only the muli right in respect of the properties shown in Schedule D; and he dis-allowed the claim in respect of all the properties shown in Schedule B, and the remaining properties shown in Schedule C. These facts were reported to the Board in this Office letter Ref.No.A-3 4677/21 dated the 29th March 1927. In this letter, it was reported, that the Government's claim had not been allowed in respect of S.No.113/1 and 141 out of the properties mentioned in the Schedule 'A'. These plots were not included in the Schedule 'A' and their mention in this Office report dated the 29th March 1927 was not correct. The State's claim to these plots was also dis-allowed by the Subordinate Judge. There is slight variation between the list of properties sent with this Office Ref.No.A-3-3031/40 dated the 3rd May 1940 and that appended to this Office letter No Ref.4677/21 dated the 9th December 1926 regarding S.Nos. 113/3.A, 24/18, 61/3, 135, 120/5 and 7, 14/2.A and 269/1. S.Nos.133/3-A and 24/18 of Kokkada village shown in Schedule 'A' are not correct. The correct S.Nos. are S.Nos. 111/3-A and 18/5 respectively. S.Nos.61/3 and 135 of Kokkada village were obtained without dispute in 1923. Hence they were not included in the Schedule 'A'. This fact was reported to the Board in this Office Ref.No.A-3-4677/21 - dated the 16th November 1923 in reply to Board's Refce.No. 928-Misc.,

No.928 Misc., dated the 5th June 1922. The State's claim in respect of S.Nos.120/5 and 7 of Kokkada village was allowed by the Subordinate Judge on 23rd December 1926 along with the other properties mentioned in Schedules A, C and D and they came into the possession of Government on 15th August 1928. The circumstances under which these plots were omitted to be shown in the list sent to the Board on 9th December 1926 are not known. Apparently it must be an omission. S.Nos.14/2-A of Nelliadi village and 269/1 of Kokkada village shown in the list dated the 3rd May 1940 are dry lands subsequently included in the holding of the State on assignment after the escheated property came into the possession of the Government. S.No.269/1 of Kokkada village was assigned on 24th December 1939 in the name of the Secretary of State for India by the Deputy Tahsildar, Beltangadi in D.R.No.68/39 as kumaki to kadim lands S.Nos.35 and 25/5 held by the Government. S.No. 35 referred to in the darkhast order, however, seems to be a mistake as it stood in the name of a different person. Similarly, S.No.14/2-A of Nelliadi village was assigned in the name of the Secretary of State for India in D.R.No.152/41 as kumaki to the escheated property S.No:8/3. The assignment of these plots in the name of the Secretary of State for India and the inclusion of these plots in the holding registered in the name of the Secretary of State seem to have been un-called for. The circumstances under which the plots were assigned are not known except the fact that they were assigned as kumaki to the kadim lands in question. No orders could be traced in support of the procedure; but, the procedure adopted by the Deputy Tahsildar prima facie appears to be absurd. The assignment orders may be held to be a nullity or if the Board considers that a formal order of cancellation is necessary, the Board may be pleased to pass such an order in exercise of its general power of revision. In any case, the lands do not form part of the escheated property. Hence, they have to be sold separately, if at all; otherwise they may merely be left registered as they stood before the 'assignments' were made. The plots in question are reported to be

to be lying waste on the ground and to be not valuable. A portion, measuring about 4 cents out of S.No.269/1 of Kokkada village, however, has been converted into a paddy flat but no crop is being raised on it. S.No.18/2-A is reported to contain a row of areca trees on the bund of the adjoining wet land, but the trees are reported to be too old and not bearing. I have called for the explanations of the Deputy Tahsildars who passed the assignment orders in the two cases.

Paragraph iii of the Board's Reference.- From the further enquiry held in the matter, it is seen that - portions of S.Nos.111/3-A, 52/6, 29/7 and 29/11 of Kokkada village were subsequently sub-divided and excluded from the escheated properties and registered in the names of the - respective owners in Beltangadi Deputy Tahsildar's K.R.Nos. 38/45 and 112/38. This accounts for the variations between the original extents and notations reported to the Board in 1926 and their present extent and notations. -- During the escheat proceedings and the institution of the suit no mention has been made that the four plots referred to above formed portions of bigger extents comprised in - these survey numbers. In pursuance of the decree and - judgment, a major portion of the property including the four sub-divisions referred to above was taken possession of by the Deputy Tahsildar, Beltangadi on 24th April 1927. In the list furnished by the Deputy Tahsildar, he did not furnish the extent of the plots in question. The right of cultivating the property for the year 1927-1928 was sold in May 1927 and while selling the plots in question, the extent shown in the schedule sent in 1926 was adopted. The registry of the plots in question stood in the name of private individuals at the time of the escheat proceedings. Presumably the parties must have applied for the separate registry of the plots in question according to their enjoyment and the plots in question must have been sub-divided

and

and registered separately in the transfer of registry cases referred to above, in 1929, so far as it relates to S.Nos.52/6 and 29/7 and 11 and in 1935 so far as it relates to S.No.111/3A. The transfer of registry records have been destroyed. S.No. 181 was merged with a bigger field and has been denoted as S. No.181/2. The extent of S.No.61/7 of Kaukradi village is reported to have been revised into 0.69 acre as a result of the erratum sanctioned in Collector's D.Dis.No.6165/25 dated the 11th August 1925. These records have also been destroyed.

2. A copy of the judgment in O.S.No.59/1924 is enclosed. Certified copy of the decree in the above suit is not available. Presumably it has not been obtained back from the Court after the disposal of the execution proceedings filed by Government for the recovery of the possession of some of the plots for which decree was passed in favour of the Government.

REFERENCE.

Submitted to the Government.

2. In the circumstances reported, the Board requests that the Government may be pleased to sanction the disposal by sale in public auction of the lands specified in the list appended to the Collector's letter first cited above.

3. As regards S.Nos.14/2.A of Nelliyadi village and 269/1 of Kokkada village, however, the Board considers that they should not have been assigned by the Deputy Tahsildars in the name of the Secretary of State. Orders are being issued cancelling their assignment.

xx xx xx

for Joint Secretary.

To the Secretary to the Government, Revenue Department, with one judgment (to be returned with reply) - paras:1-3 only.

To the Collector of South Kanara - paras:4 and 5 only.

c.n.n./19-11-1940.

Home (G) Department.

C. No. 33980-G/40. From the Board of Revenue, Ref. No. G. 1810/40-2, d. 18.11.40.

Escheat - South Kanara district - Puttur taluk - Properties of the late Rudrayya - Final disposal.

The Collr. of S. Kanara requests that sanction may be accorded for the disposal by sale by public auction of the entire property of the late Rudrayya (with the exception of S. Nos. 120/5 and 7 of Kokkada village) as it is now more than 12 years since the property came to the possession of the Govt. He also requests similar sanction for disposal of the excepted sub-divisions (after 15.8.40). The Bd. of Rev. recommends the Collector's proposals. The properties were declared escheat in 1922, but actually came to the possession of the Govt in 1927 and 1928.

2. For a brief history of the case please see notes at pp. 21-22 of G.O. No. 900, Rev., dated 12.5.27. In that G.O. the Govt. directed that no appeal need be filed against the decision in O.S. No. 59/24 (Vide judgment at 'G') on the file of the sub-court, Mangalore, in respect of the property. In 1932 Govt. ordered the writing off as irrecoverable of a sum of Rs.4,353 - being the costs awarded to Govt. and mesne profits decreed in the suit.

3. In 1922, the estimated value of the entire property was reported to be Rs.30,000. As the entire property could not be taken possession of without dispute, a suit was instituted in the sub-court, Mangalore. The judgment in the suit is at 'G'. It will be seen that the Govt.'s claim to certain items of the property was disallowed by the court. The value of the property which actually escheated to

(W)

Govt. is now reported to be Rs.9,250. Apart from the reduction in the extent of the property there may be other reasons also for the fall in the estimated value - e.g. general fall in the price of landed property. ~~Pl. see also 'B' on p. 6 c/f. This may be another reason.~~ It may be noted that the Board is taking action to cancel the assignment of the sites referred to ~~at B on p. 6 c/f~~ at 'B' on p 6 CF

Under B.S.O. 197, the Bd. of Rev. can dispose of, without reference to Govt. escheated real property the value of which does not exceed Rs.10,000. In the ~~present~~ case, the present value of the property is reported to be Rs.9,250. The Bd. has referred the matter to Govt. for orders presumably because the properties were first valued at Rs.30,000. As Govt. can dispose of all escheated property irrespective of their value, it is for orders whether Govt. ~~will~~ may order the disposal of the property as requested by the Collr.

Putyourself-

MBS
30.11.40
MV
30/11

A draft order is submitted

MBS
7-12
MV
7/12

S 11.12.40

of A on p 5 CF
& B on p 6 CF

of 'C' on p 8 CF

extract at (Q)
S

*A on p 5 CF

Item 4 on p 2 of (W)

of D

+ 2 CF

Addl 1 Sr. + 12 CF

Path q + p a precedent for
Precedents 1-4 of (A) - Cro 6 CP 1
and pp 1-4 of (B) - Cro 6 CP 1

MBS
7.12

MV
7/12

Home Dept. (G).

C.F. 17.

DRAFT FOR APPROVAL.

12/12/12 Date. Initials.

When received for fair copying.	.....	(Cw) 12/12
When copied ...	.....	
When examined...	.....	
When signed ...	.....	
When despatched.	.....	

SUBJECT :—

Escheat - South Kanara district - Puttur taluk - Properties of the late Rudrayya - Proposals of the Board of Revenue for ~~final~~ disposal - Approved.

READ AGIAN G.O. No. 959, Rev., dated 30.5. 1922 (W)

" " ..... " ..... 19.....

READ *ALSO* :—

Ms 1-8-42 No. 339806 From the Bd. of Rev., Ref. G. No. 1810/40-2 dated 18.11.1940.

" ..... " ..... " ..... " ..... 19.....

" ..... " ..... " ..... " ..... 19.....

Order Ms. No. 5018, dated 12. 12 1940.

vide precedent on p4 of G.O.Ms.No. 60 Rev. 7-1-15 (B) Ms 1-8-42

The Govt. approve the proposals of the Board of Revenue in its referenc cited above for the disposal of the escheated lands of the late Rudrayya in the Puttur taluk of the South Kanara district, as ~~given~~ specified in the list appended to the letter of the Collector of South Kanara, Ref. No. A-3-3031/40, dated 3.5.40.

Rpd by Van with leave Initials 12/12 Date 194

Ms 1-3-42

To the Board of Revenue. (with judgement) (G)

copy to the Coll. of S. Kanara.

12/12

6/11/1940.